

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Isaiah Steward Robinson,

Plaintiff,

Case No. 24-cv-11721

v.

Judith E. Levy

United States District Judge

Scott D. Walburn, *et al.*,

Mag. Judge David R. Grand

Defendants.

_____/

ORDER OF DISMISSAL

Before the Court is Plaintiff Isaiah Steward Robinson's complaint. (ECF No. 1.) Robinson is self-represented and is currently incarcerated at the Oaks Correctional Facility in Manistee, Michigan. When he filed the complaint, Robinson did not pay the required filing fee and administrative fee. Nor did he submit an application to proceed without prepayment of the fees. *See* 28 U.S.C. § 1915. As a result, the Court issued a deficiency order requiring him to either pay the filing fee and administrative fee or to submit a properly completed application to proceed without prepaying the fees. (ECF No. 4.) The order indicated that "to proceed in forma pauperis, *i.e.*, without prepayment of the filing

fee, the prisoner must file a certified trust account statement and an affidavit of indigence.” (*Id.* (internal citations omitted).) *See* 28 U.S.C. § 1915(a). The order gave Robinson thirty days—or until August 8, 2024—to correct the deficiency. (ECF No. 4.) The order warned Robinson that if he failed to do as instructed, the case would be dismissed. (*Id.*)

In response to the Court’s deficiency order, Robinson submitted a 134-page document titled “Declaration in Support of Application to Waive or Suspend Filing Fees and Cost Plaintiff’s Commercial Affidavit of Truths and Averment of Common Law Facts Rebuttal to Controvert Inference of Deficiency and Presumption of Prisoner Status.” (ECF No. 5.) This document, which is difficult to follow, was filed on the docket by the Clerk’s Office on August 6, 2024. (*Id.* at PageID.145.) In a portion of the document titled “Declaration in Support of Application to Waive or Suspend Payment,” Robinson discusses aspects of his financial situation. For example, he indicates that he has no employment, no income, and “no other source of income accessible from cash, bank accounts, real estate, stocks, bonds, notes, automobiles, or other valuable property, owned or possessed.” (*Id.* at PageID.182–183.)

Robinson's August 6, 2024 filing does not contain a certified trust account statement. (*See* ECF No. 4.) *See also* 28 U.S.C. § 1915(a)(2).

The deadline for Robinson to correct the issue identified in the Court's deficiency order has elapsed. As of the date of this order, Robinson has failed to properly address the deficiency. He has not (1) paid the required fees or (2) submitted the necessary documents to apply to proceed without prepaying the fees. Accordingly, Robinson's complaint (ECF No. 1) is DISMISSED WITHOUT PREJUDICE. This case is closed. No further documents should be filed in this matter.

IT IS SO ORDERED.

Dated: September 5, 2024
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on September 5, 2024.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager